

THE HONOUABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 13066 OF 1996

Date: 28.11.2006

Between:

Vemula Satyalamma and another.

... Petitioners

and

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The Special Deputy Collector (Tribal Welfare), Khammam District.

...

Respondent.

THE HONOUABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 13066 OF 1996

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ORDER:

Questioning the show cause notice issued by the Special Deputy Collector, (Tribal Welfare), Palwancha, Khammam District in August, 1996 wherein the petitioner was asked to show cause as to why he should not be ejected and the property restored to the transferor or his heirs, as the transfer had been made in contravention of Sections 3(1) of A.P. Regulation 1 of 1959 i.e., A.P. Scheduled Area Land Transfer Regulations, the present writ petition is filed.

Sri V.H.V.R.R. Swamy, learned Counsel for the petitioner would refer to the earlier order of the Special Deputy Collector, (Tribal Welfare), Palwancha, Khammam District in case No. 1031 of 1974 dated 29.11.1975 wherein the Special Deputy Collector, on noting that the transfer had taken place prior to 1963, had dismissed the petition. Learned Counsel would submit that, having passed final orders on 29.11.1975 for the very same extent of land, it was not open to the very same authority ie., Special Deputy Collector, Palwancha, Khammam District to again issue a show cause notice calling upon the petitioner to show cause as to why she should not be ejected from the land in question. While this submission of Sri V.H.V.R.R. Swamy, learned Counsel for the petitioner, cannot be said to be without merit, it must not be lost

sight of that the proceedings under challenge in this writ petition is a show cause notice. This Court, in exercise of its jurisdiction under Article 226 of the Constitution of India would, ordinarily, interfere with a show cause notice only when it is issued without jurisdiction or is issued by an authority not competent to issue such a notice. Both these requirements are absent in the present case and, as such, I see no reason to interfere with the impugned show cause notice. Needless to mention that it is always open to the petitioner, while submitting his reply to the show cause notice, to also bring to the notice of the Special Deputy Collector the fact that Case No. 1031 of 1974 was dismissed against the petitioner's husband on 29.11.1975. The petitioner is given four week's time from the date of receipt of a copy of the order to submit her reply to the show cause notice. For this period of four weeks, the interim orders in force, during the pendency of the writ petition, shall continue.

Subject to the above observations, the writ petition is dismissed. However, in the circumstances, without costs.

Date: 28.11.2006

RAMESH RANGANATHAN, J

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